

ORDINANCE NO. 2003-\_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING ARTICLE 3, RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS, OF CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, OF THE CITY CODE BY ADDING A NEW SECTION 14.042, ADOPTING REGULATIONS FOR SINGLE-FAMILY AND DUPLEX INDUSTRIALIZED HOUSING, AND ADDING A NEW SECTION 14.043, ADOPTING ARCHITECTURAL LANDSCAPING REGULATION FOR ONE AND TWO FAMILY DWELLINGS; INCLUDING PROCEDURAL PROVISIONS; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY

**RECITALS:**

1. The 78th Texas Legislature, in its Regular Session, adopted Senate Bill 1326, which amended Texas Occupation Code Chapter 1202, relating to the municipal regulation of single-family and duplex industrialized housing.
2. The Governor signed Senate Bill 1326 making it effective June 18, 2003.
3. The City Council desires to regulate single-family and duplex industrialized housing as permitted by state law.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Article 3, Residential Code for One and Two-Family Dwellings, of Chapter 14, Buildings and Building Regulations, of the City Code is amended by adding a new Section 14.042 to read as follows:

**Section 14.042. Regulation of single-family and duplex industrialized housing.**

(a) Single-family or duplex industrialized housing must comply with all local permit and license requirements that are applicable to other single-family or duplex dwellings.

(b) Any industrialized housing shall:

(1) have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county in which the industrialized housing is to be located;

(2) comply with applicable building setbacks, side and rear yard offsets, square footage, and other site requirements applicable to single-family dwellings; and

(3) be securely fixed to a permanent foundation.

(c) In this section:

(1) *Industrialized housing* has the same meaning as in Section 1202.002 of the Texas Occupations Code or as that section may be amended.

(2) *Permanent foundation* means one of the following:

(A) Pier and Beam foundation where all footings will be 24" X 24" and shall extend into undisturbed soil 12" deep. A minimum of 4 pieces of re-bar will be required. Blocks used as piers will be solid or filled with concrete. A connecting strap or piece of re-bar will need to extend from the footing up to the bottom of the structure.

A combination pier and footing. It must be no less than a round column 18" in diameter and placed 24" into the soil containing 4 pieces of re-bar with stirrups. A connecting strap or piece of re-bar will need to be attached to bottom of structure from this column.

An outside perimeter beam will be required that is a minimum of 12" in width and 18" deep. 12" of which must be in undisturbed soil and 8" or more above ground. This will allow for attachment of skirting or loading of structure. **If a wider beam is required to accept the weight of structure, that will be allowed [exp. two & three story structures require wider footings].** A beam and footer design in this situation would be allowed. This perimeter beam could be extended to the bottom of the structure.

An engineered pier and beam system will be accepted but must also include the outside perimeter beam as noted above; or,

(B) A monolithic poured in place slab will be allowed for all industrialized housing.

It will consist of exterior beams 8" wide and 24 " thick that extent into undisturbed soil 1 foot. All load-bearing beams will be 8" wide or wider and 24" thick or thicker as required for load and soil conditions. The Minimum thickness of the slab will be 5".

This slab will extend no less than 8" above of the surrounding soil and positive drainage away from the slab will be provided as per building code.

Permanent tie down connections will be placed in this slab to be attached to the industrialized structure; or,

(C) An inverted monolithic slab will be allowed using the same criteria as in section (c)(2)(B). This would allow for a craw space under the structure. Venting of crawspace will need to be provided for along with any addition provisions required by the code; or,

(D) An inverted monolithic slab will be allowed using the same criteria as in section (c)(2)(B). No blocking up above the poured concrete foundation will be allowed. Minor shimming is allowable.

(3) *Value* means the taxable value of the industrialized housing and lot after installation of the housing.

(d) Any person who intends to construct, erect, install, or move any industrialized housing into the city shall first submit all required applications to the building inspection division and obtain all required permits. In addition to any other information otherwise required for the permits, a building permit application for industrialized housing shall:

(1) identify by address each single-family or duplex dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling as determined by the most recent certified tax appraisal roll for the county in which the industrialized housing is to be located;

(2) be accompanied by at least one photograph, with identifying address, of the front of each single family or duplex dwelling located within 500 feet of the lot on which the industrialized housing is to be located;

(3) show proof of the value of the improved property by providing;

(A) a copy of the sales receipt, signed by the purchaser, of the industrialized housing unit, including the value of the lot, if the lot is included in the sale; or

(B) a copy of the sales receipt, signed by the purchaser, of the industrialized housing unit, and documentation showing the taxable value of the lot as determined by the most recent certified tax appraisal roll for the county in which the industrialized housing is to be located, if the lot is not included in sale of the housing unit or if the value of the lot is not included on the sales receipt; and,

(4) state which of the permanent foundations specified in subsection (c)(2) will be used for the industrialized housing to which the application applies.

(e) Failure to provide any documentation required in 14.042(d) will be considered grounds to deny a permit application.

(f) A person commits an offense if the person:

(1) causes or permits any industrialized housing to be constructed, erected, installed, or moved into the city without first submitting applications to the building inspection division and obtaining all required permits;

(2) causes or permits any industrialized housing which does not comply with this section to be constructed, erected, installed, or moved into the city; or

(3) violates any provision of this section.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 3.** All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** Any person violating any provision of this ordinance commits a misdemeanor and is subject to the penalty provided in Section 1.015 of the San Marcos City Code upon conviction.

**SECTION 5.** The importance of this Ordinance creates an emergency and an imperative public necessity, so that the provisions of the City Charter that ordinances be presented at three separate Council meetings, and that no ordinance becomes effective until the expiration of ten days after the date of its final passage, are suspended, and this Ordinance shall take effect and be in full force and effect from and after its adoption and after notice of its adoption is published in a newspaper of general circulation in the City.

PASSED, APPROVED AND ADOPTED on

Robert Habingreither  
Mayor

Attest:

Janis K. Womack  
City Clerk

Approved:

Draft 8-20-03

Mark B. Taylor  
City Attorney